

UNEMPLOYMENT BENEFITS ELIGIBILITY REQUIREMENTS
FOR STATE AGENCY EMPLOYEES SEPARATED UNDER THE
WORKFORCE TRANSITION ACT

The following information is provided in an attempt to give general guidance concerning the unemployment insurance (UI) benefit rights of individuals separated from a state agency under the Workforce Transition Act (WTA). WTA provides severance benefits to certain individuals who are involuntarily separated from state employment. Generally, the receipt of WTA severance does not affect eligibility for UI benefits. It must be noted, however, that UI eligibility is determined on a case by case basis, and that eligibility specifics cannot be determined until a UI claim is filed.

The following are frequently asked questions concerning UI and WTA entitlement:

Q: How do I file my UI claim?

A: A claim may be filed online at www.VaEmploy.Com, by telephone at (866) 832-2363 or by reporting to the Virginia Employment Commission (VEC) office nearest you.

Q: How are UI benefit amounts calculated?

A: An individual's unemployment benefit amount and duration are based on the amount of wages earned during the first four of the last five calendar quarters prior to filing a claim. For example, the UI weekly amount for claims filed in October through December 2008 is based on wages earned from all employers for the period of July 1, 2007 through June 30, 2008. This twelve-month period is known as the "base period."

Q: How much do I need to have earned to qualify?

A: To qualify for benefits, an individual must have earned at least a total of \$2700 in two quarters in the base period.

Q: How much will I receive in UI benefits and for how long?

A: Currently the maximum weekly benefit amount is \$378 and the minimum is \$54. Individuals must have earned at least \$18,900.01 in two quarters during the base period to qualify for the maximum weekly benefit amount.

Benefit duration varies from 12 to 26 weeks also depending on wages earned in the base period. Congress enacted a federal extension that increases the original benefit period by 50%, following the exhaustion of your initial benefit entitlement. For example, an individual receiving benefits for 12 weeks will get an additional 6 weeks under the federal extension.

Q: Is there a waiting period before I can collect UI benefits?

A: There is a one-week unpaid waiting period which cannot begin until a claim is filed. The waiting period is the first week of your claim during which you meet all of the eligibility requirements.

UI claims are effective beginning the Sunday of the week in which they are filed.

Q: Does receipt of WTA severance benefits affect my UI benefits?

A: Severance payments made under WTA are allocated to the date of separation and do not affect the receipt of UI benefits. The only exception to this occurs when you file a UI claim during the same week in which you are laid off. In that instance, the severance payment is deducted from the UI benefit amount in the first week, but has no effect on UI eligibility in subsequent weeks.

Q: If I file for UI benefits is my WTA entitlement affected?

A: The Workforce Transition Act requires that severance payments made under the WTA be reduced by the amount of UI benefits an individual is entitled to receive. However, the amount of the WTA reduction will be repaid in a lump sum at the time of the last WTA payment.

For example, if you are entitled to receive \$500 per week for 19 weeks from WTA and \$200 per week in UI benefits, the WTA amount will be reduced to \$300 per week (\$500 minus \$200). At the end of the 19 weeks, you will be paid for the total amount of these deductions, or \$3,800 (\$200 X 19).

Q: Can the payment of accrued sick or annual leave affect my receipt of UI benefits?

A: Accrued leave payments made to you by the separating state agency will not affect your eligibility for UI benefits. The only exception occurs when you file a UI claim during the same week in which you are laid off. In that instance, the leave payment will be deducted from the UI benefit amount in the first week, but has no effect on UI eligibility in subsequent weeks.

Q: Can I draw UI benefits if I qualify for state retirement?

A: If you are receiving a retirement pension from an employer for whom you worked during the base period, the weekly amount of the pension will be deducted dollar for dollar from your weekly UI benefit amount. You will be ineligible for UI benefits if the pension equals or exceeds the UI benefit amount.

Q: Are there other requirements I must meet to be eligible for UI benefits?

A: You will be subject to the same continuing eligibility requirements as other claimants.

These requirements include:

- Being ready, willing, and able to work each week.
- Providing documentation of your search for work each week benefits are claimed.
- Reporting all wages earned during any weeks benefits are claimed.

Q: Can VEC help me find another job?

A: To be eligible for UI benefits, an individual must register with the VEC for employment assistance online at www.vawc.virginia.gov. The VEC can provide job seekers exposure to a variety of job opportunities, including local and statewide jobs in the private sector, as well as state and federal government positions. A substantial cross-section of employers use the VEC to assist them in hiring new staff, and some companies elect to have the VEC do all of their recruiting.